(4)

C.F 1/00-0

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 1291 OF 2001

BETWEEN

MOHD. HANIF S/O HUSSAIN, AGED ABOUT 52 years, Prop. of Rahim Vedio House, Itwari Bazar, Khairagarh, district Rajnandgaon.

PETITIONER

AND

P. R. No. 1367/01 Presented by Shri Aweleh Hussain dated 3.8.01

1. The State of Chhattisgarh, through the Secretary Department of Culture/Entertainment, D.K. Building, Raipur.

2. District Magistrate, Rajnandgaon.

3. Additional District Magistrate, Rajnandgaon.

4.

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF CONSTITUTION OF INDIA

(44)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 1291/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

24.9.2001 :

Mr.Awadh Tripathi for the petitioner.
Mr. Gautam Bhaduri for the respondent.
Mr.P.Diwakar for the intervenor.

The cinema licence issued in favour of the writ petitioner came to be cancelled on 17.7.2001 by the District Magistrate Rajnandgaon on the allegation that a blue film was screened inside the hall though outside the hall the poster of regular film was pasted. Be that as it may the only grievance of the writ petitioner is that opportunity of hearing ought to have been given to the writ petitioner under Rule 123 of M.P. Cinemas (Regulation) Rules,1972 which states that the licensing authority may suspend or cancel any licence granted under this rule for contravention of any of this rules,provided that the licensing authority shall give the licencee an opportunity to show-cause before taking any action under this sub rule.

Shri Diwakar submits that under Rule 18 of Cinemas (exhibition of films by VCR) Rules 1983, the licensing authority may suspend or cancel any licence granted under this rule for contravention of any of this rules provided that licensing authority shall give the

[पीछे देखिये

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	..2..आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

licencee an opportunity to show-cause before taking action under this Rule. However Sub rule 2 states that notwithstanding anything contained in sub rule 1 the cinema licence shall be liable to be immediate suspension or cancellation by the licensing authority if in the opinion of the licensing authority the place is insufficient or is causing danger to the safety or health or inconvenience to the public.

Shri Diwakar submits that screening of blue films causes inconvenience to the public. Be that as it may, in my view there was absolutely no difficulty on the part of the competent authority to issue show-cause notice to the writ petitioner before the licence was cancelled . I am not condoning the despicable picture or film being screened inside the hall meant for regular show of pictures for entertainment. However,rules have been made in this regard and the same should be followed. Instead of entering into other controversy the issues raised in the petition,I would direct the competent authority , theDistrict Magistrate to issue notice to the petitioner why licence issued in his favour should not be cancelled. The matter shall be immediately examined without any delay and in as much as the issue involves morality in the society.

In the result,this petition is allowed. The impugned order of cancellation dt. 17.7.2001 issued by the learned District Magistrate is set-aside. The matter

GRPRJ—FS/311—1/2001—50,000.

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(45)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित ..3..	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	shall be decided by the learned Magistrate after issuing notices to the petitioner after giving him opportunity of being heard. However,from the first date of issue of notice the matter be decided within 7 days. Let the petitioner appear before the Distt. Magistrate on 1.10.2001. Sd/- Chief Justice	
Jyotishi.		

[पीछे देखिये